

EXHIBIT F

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

X Index No.: **525645/2024**

WILLIAM MARTIN,

PLAINTIFF,

-against-

**ATTORNEY AFFIRMATION
IN SUPPORT OF THE ORDER
TO SHOW CAUSE FOR
INJUNCTION WITH TRO**

**THE NEW YORK PUBLIC LIBRARY, ZENA GEORGE,
CHARMAINE MCFARLANE, BEN SAPADIN,
TERRANCE NEAL, AND JESSICA ROSENTHAL,**

DEFENDANTS.

X

YU-XI LIU, Esq., an attorney duly admitted to the practice of law before the courts of the State of New York, affirms the following under penalty of perjury:

1. I am counsel for WILLIAM MARTIN, the plaintiff in the above-captioned action, and as such am fully familiar with the facts and circumstances herein.

2. I make this affirmation in support of the instant motion by Order to Show Cause for preliminary injunction against defendant the New York Public Library (the “NYPL”) with a Temporary Restraining Order, restraining and enjoining them from denying William’s request for FMLA Leave, which was granted in November 2023.

3. No previous application has been made to this or any other Court for relief sought herein.

STATEMENT OF FACTS

4. The facts are as set forth in the affidavit of WILLIAM MARTIN, sworn to on September 23, 2024.

5. On November 22, 2023, William was granted FMLA Leave for a total of 12 weeks on a rolling 52-consecutive week basis.

6. The Leave Designation Notice is attached hereto as **Exhibit 1**.

7. It is also enclosed below for your quick reference.



Date: November 22, 2023

To: William Martin - Ottendorfer Library

From: Ashley Lebowitz - Benefits Office

DESIGNATION NOTICE
FAMILY MEDICAL LEAVE ACT (FMLA)

You have been approved for Medical Leave for the time period of November 6, 2023 through November 26, 2023.

All leave taken during this time period will be designated as FMLA leave. Under FMLA, eligible employees are entitled to 12 weeks (420 hours) of protected leave in a 12-month period. **NYPL counts FMLA on rolling 52-consecutive week basis.** You are required to use sick and annual leave while out on medical leave. The FMLA requires that you notify us as soon as practicable if dates of scheduled leave change or need to be extended.

Based on the information you have provided to date; we are providing the following information about the amount of time that will be counted against your leave entitlement:

As of October 29, 2023 you have 12 weeks of FMLA. Since you will be out from 11/6/2023 through 11/26/2023 returning on 11/27/2023, **3 weeks will be counted towards your FMLA entitlement.**

You are required to provide us with a medical clearance note prior to your scheduled return to work date. Failure to provide the medical clearance note will delay your return to work.

Please feel free to contact me if you have any further questions.

cc: Kristin Kuehl / Ottendorfer Library

8. William took three (3) weeks of this 12-week leave from 11/6/2023 through 11/26/2023.
9. On November 27, 2023, Williams reported to work at the Ottendorfer Library.
10. Ms. Kristin Kuehl is his immediate supervisor at Ottendorfer.

11. As set forth in William's affidavit, he submitted a request for another FMLA leave in July 2024.

12. His request was summarily denied without justification.

LEGAL ARGUMENT

13. The facts as set forth in William's sworn affidavit demonstrate the three elements required for preliminary injunction: (1) a likelihood of success on the merits, (2) irreparable harm to New York Dragon, and (3) the balance of equity in the plaintiffs' favor.

14. A preliminary injunction is a provisional remedy designed to maintain the status quo between the parties until litigation is concluded. [*Uniformed Firefighters Ass'n v. City of New York*, 79 NY2d 236, 581 NYS2d 734 (1992).] It prevents defendant from violating plaintiff's rights with respect to the subject of the underlying action. [*Berger v. Raab*, 161 AD2d 865, 555 NYS2d 935, 936 (3d Dept 1990).]

15. As advised by his treating psychiatrist and therapist, William needs to take another FMLA leave for his mental health to deal with anxiety and depression.

16. William has **nine (9)** weeks left of his FMLA leave entitlement as stated in the November 22, 2023 FMLA Designation Notice.

17. It is but another act of discrimination and workplace harassment by the NYPL against William.

18. It boggles one's mind how the NYPL can be this cruel and simultaneously clueless.

19. Prior to commencing this discrimination and workplace harassment action, counsel has tried to resolve this issue by reaching out to the NYPL's corporation counsel, but to no avail.

20. It is the proverbial final straw that broke the camel's back.

21. William has been approved for 12-week FMLA leave in a "rolling 52-week basis."

22. He took only three weeks last November and is entitled to nine weeks of FMLA leave.

23. The NYPL's denial is discriminatory, arbitrary and capricious, and just downright mean-spirited.

24. It has aggravated William to no end and has adversely affected his mental health.

25. Irreparable harm would be inflicted on William's mental health and well-being.

26. The balance of equity is in WILLIAM'S favor as he is the aggrieved party in need of this equitable remedy.

Wherefore, it is respectfully requested that the Court issue the preliminary injunction against the NYPL with the temporary restraining order against defendant NYPL.

DATED: NEW YORK, NEW YORK
SEPTEMBER 24, 2024

Respectfully,

/s/ Yuxi Liu

YU-XI (GLEN) LIU, ESQ.

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